


THOMAS GASSNER ET AL.  
USSN 09/877,621

adhered to said unwinding reel of paper, thereby to form a splice between said new reel of paper and said unwinding reel of paper, and

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- ii) said cleavable paper cleaves in a such way that upon cleavage remains of said cleavable paper cover both self-adhesive compositions on said cleavable paper and render both self-adhesive compositions outwardly non-adhesive.--
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CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

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The abstract has been amended to delete the references to the figures. The specification has been amended to delete the references to the claims. A mark-up showing the changes made to the abstract and the specification is attached showing the changes made with brackets and underlining. No new matter has been added.

The claims have been replaced by a new set of claims. For the Examiner's convenience, Applicants point out that the new claims correspond to the previous claims as follows:

<u>New Claims</u>	<u>Previous Claims</u>
13	1
14	2
15	3
16	4
17	5
18	6
19	7
20	8
21, 22	9
23, 24	10
25-27	11
28	New; supported by the first paragraph on page 6 of the specification
29	12

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Applicants do not believe that any of the new claims introduce new matter.

Claims 1-12 were rejected under 35 USC § 112, second paragraph, as being indefinite. In response, Applicants believe the new claims are free of the Examiner's concerns. Thus, the new claims do not include references to the figures. Also, the preferred embodiments have been made the subject of separate dependent claims.

For the record, Applicants emphasize that although the claims were amended to overcome this rejection, and, therefore, might be considered to have been amended for a reason substantially related to patentability, a fair reading of the amended claims will reveal that the departures from the previous claims were for clarification purposes only, and that Applicants did not narrow the claims in any material respect. Therefore, Applicants submit that the amended claims are entitled to the full range of equivalents.

Claims 1-12 were rejected as being directed to the same invention as that of claims 2-10, 13 and 14 of each of copending applications Serial No. 09/490,709 and 09/518,463.

Claims 1-12 were provisionally rejected under 35 USC § 101 as claiming the same invention as that of claims 2-10, 13 and 14 of each of copending applications Serial No. 09/490,709 and 09/518,463.

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Claims 1-12 were provisionally rejected under 35 USC § 102(e) as being anticipated by each of copending applications Serial No. 09/490,709 and 09/518,463.

In response to the three preceding rejections, Applicants point out that the instant claims embrace fixing labels of *"a predetermined length prior to its use in said splicing method."* The adhesive tapes of the copending applications need not be of said predetermined length. Consequently, although there may be overlap between the applications, there is not exact identity, thereby precluding all of the foregoing rejections.

Also, for completeness, there is attached a Declaration of Common Ownership, which precludes the use of the copending applications as prior art under 35 USC § 103(a).

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

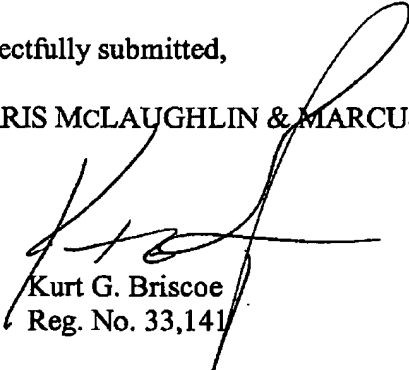
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Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By

  
Kurt G. Briscoe  
Reg. No. 33,141

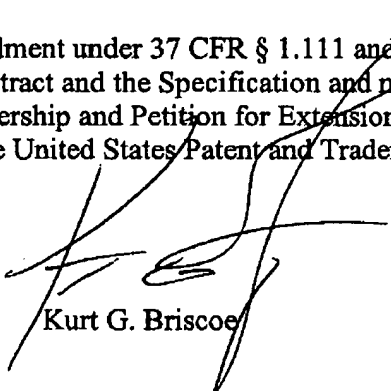
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 and the attached Mark-Up Showing the Changes Made in the Abstract and the Specification and new Abstract and the accompanying Declaration of Common Ownership and Petition for Extension of Time (23 pages total) are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: February 23, 2003

By:

  
Kurt G. Briscoe

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**MARK-UP SHOWING THE CHANGES MADE IN THE ABSTRACT AND THE SPECIFICATION**

**IN THE ABSTRACT:**

--A fixing label with an adhesive front face and a nonadhesive rear face and also two long edges for flying splice, having

- a) a paper backing [(F1)] which is coated on one side on the front face with a self-adhesive composition;
- b) part of the nonadhesive rear face of the paper backing [(P1)] being equipped with a double-sided adhesive tape [(DO)] which has, on one side, a cleaving paper backing [(PZ)] coated on both sides with self-adhesive composition[(N2, N3)], wherein
- c) the double-sided adhesive tape [(DO)] is arranged at a distance [(V)] of from 0.5 to 15 mm from one long edge [(LK)] of the adhesive tape.--

**IN THE SPECIFICATION:**

**Next-to-last paragraph on page 2 of the specification:**

--This object is achieved by means of a fixing label and splicing method as detailed [in the claims. In order to avoid repetition, express reference is made to the claims, in particular as regards preferred embodiments.] **hereinbelow. The fixing label comprises:**

- a) **a paper carrier having a front side and a rear side and two long edges;**
- b) **a self-adhesive composition on the front side of the paper carrier; and**

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c) a double-sided adhesive tape adhered to a part of the rear side of the paper carrier, the double sided adhesive tape being adhered to the rear side beginning at a distance V of from 0.5 to 15 mm from one long edge of the paper carrier, wherein the double-sided adhesive tape comprises:

i) a cleavable paper carrier;

ii) a self-adhesive composition on a first side of the cleavable paper carrier; and

iii) a self-adhesive composition on a second side of the cleavable paper carrier.

In one embodiment, the distance V is 1 to 7 mm. In another embodiment, the distance V is 1.5 to 3.5 mm.

In one embodiment, one or more of the self-adhesive compositions are pressure-sensitive adhesive compositions based on acrylates or rubber. In another embodiment, one or more of the self-adhesive compositions are water-soluble pressure-sensitive adhesive compositions based on acrylates.

In one embodiment, the self-adhesive composition on the front side of the paper carrier is covered by a release material. In another embodiment, the release material is provided with a slit. In another embodiment, the slit is arranged at a distance of 15 to 40 mm from a long edge of the fixing label which is opposite the long edge closest to an edge of the double-sided adhesive tape.

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In one embodiment, the fixing label is 35-120 mm wide and 35-120 mm long. In another embodiment, the fixing label is 40-80 mm wide and/or 40-80 mm long. In another embodiment, the double-sided adhesive tape is 3 to 20 mm wide. In another embodiment, the double-sided adhesive tape is 6 to 12 mm wide.

In one embodiment, the cleavable paper carrier has a cleavage strength of 20 to 70 cN/cm. In another embodiment, the cleavable paper carrier has a cleavage strength of 22 to 60 cN/cm. In yet another embodiment, the cleavable paper carrier has a cleavage strength of 25 to 50 cN/cm.

In one embodiment, the invention relates to a roll comprising a plurality of the fixing labels, at least one of the fixing labels being joined on each end thereof to another one of the fixing labels through a perforated joint.

In another embodiment, the invention relates to a splicing method comprising the following steps:

- a) providing a fixing label as described herein;
- b) providing a new reel of paper having a top web of paper and another web of paper beneath the top web of paper;
- c) adhering part of the self-adhesive composition on the front side of the paper carrier of the fixing label to an underside of the top web of paper;
- d) adhering the double-sided adhesive tape of the fixing label to an topside of the web of paper beneath the top web of paper;



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- e) placing the new reel of paper beside an unwinding reel of paper;
- f) accelerating the new reel of paper to the same speed as the unwinding reel of paper;
- g) pressing the new reel of paper against the unwinding reel of paper so that:
  - i) an unadhered part of the self-adhesive composition on the front side of the paper carrier of the fixing label becomes adhered to the unwinding reel of paper, thereby to form a splice between the new reel of paper and the unwinding reel of paper, and
  - ii) the cleavable paper cleaves in a such way that upon cleavage remains of the cleavable paper cover both self-adhesive compositions on the cleavable paper and render both self-adhesive compositions outwardly non-adhesive.--

**Page 4, fourth paragraph:**

--The drawings show a diagram of a [fastening] fixing label of the invention in cross section and in oblique plan view and are intended to illustrate the invention by way of example. The reference symbols are explained [in the claims.] herein as follows: The symbol "P1" refers to a first paper carrier; "P2" to a cleavable second paper carrier; "N1" to a first self-adhesive composition; "N2" and "N3" to second and third self-adhesive compositions, respectively; "DO" to a double-sided adhesive tape; "V" the offset distance; "LK1" to a first long edge; "LK2" to a second long edge; "L" to a release material; "SC" to a slit in the release material; "A" to the distance between LK2 and SC; "B" to the distance between LK1 and SC; "A+B" to the width of the fixing label; and "C" to the width of DO.--

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### Abstract

A fixing label with an adhesive front face and a nonadhesive rear face and also two long edges for flying splice, having

- a) a paper backing which is coated on one side on the front face with a self-adhesive composition;
  - b) part of the nonadhesive rear face of the paper backing being equipped with a double-sided adhesive tape which has, on one side, a cleaving paper backing coated on both sides with self-adhesive composition, wherein
  - c) the double-sided adhesive tape is arranged at a distance of from 0.5 to 15 mm from one long edge of the adhesive tape.
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tesa AG 1500-KGB  
3162-St-sti 200/113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : THOMAS GASSNER ET AL.

Serial No. : 09/877,621

Filed : June 8, 2001

For : FIXING LABEL

Art Unit : 1771

Examiner : D. Zirker

**DECLARATION OF COMMON OWNERSHIP**

TESA AG hereby declares that at the time the invention of the above-identified application was made it was the owner of such invention as well as the invention set forth in U.S. Patent Application 09/518,463.

The undersigned declare that they have the authority to make the foregoing statement on behalf of TESA AG.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

TESA AG

Date: January 28th, 2003

By: 

Name: ppa. Kuich

Title: Corporate Director of Finance & Accounting

Date: January 28th, 2003

By: 

Name: ica. Dehrens

Title: Patent Referee